



December 13, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: MB Docket No. 07-294, *Promoting Diversification of Ownership in the Broadcasting Services*; MB Docket No. 09-182, *2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*

Dear Chairman Genachowski:

The Federal Communications Commission’s (“Commission”) recently released report on Commercial Broadcast Station Ownership (“Ownership Report”)¹ is a summary of the Commission’s Form 323 data on the racial, ethnic and gender characteristics of broadcast station owners in the United States. However, the Ownership Report does not contain reliable data dispositive of either how relaxing the Commission’s media ownership rules will favor minority and female broadcast ownership or whether relaxing the rules would not buttress existing market entry barriers.²

¹ See FEDERAL COMMUNICATIONS COMMISSION, REPORT ON OWNERSHIP OF COMMERCIAL BROADCAST STATIONS (2012) (“Ownership Report”) available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1114/DA-12-1667A1.pdf (last visited Dec. 12, 2012).

² See 47 U.S.C. §257 (b) (2012) (“[T]he Commission shall seek to promote the policies and purposes of this chapter favoring diversity of media voices, vigorous economic competition, technological advancement, *and* [emphasis added] promotion of the public interest, convenience, and necessity.”).

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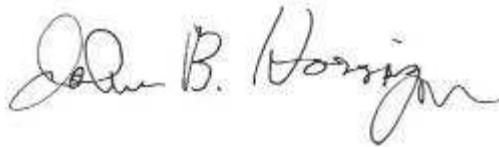
In its defense of the Ownership Report, the Commission concedes its “continuing efforts to reform and refine [its] media ownership data collection will yield more and better data to support *trend analyses in the future* [emphasis added].”³ But in the Joint Center’s view, conducting trend analyses is a necessary *prerequisite* for the Commission to be able to provide a sufficiently reasoned basis for relaxing the media ownership rules. As such, the data the Commission has collected on minority and female media ownership, including the Ownership Report, are little more “reliable and comprehensive to form the basis for effectively assessing ownership diversity” than the data it was unable to rely upon during the 2006 quadrennial proceeding.⁴

While news reports that the Commission is developing long-awaited Adarand studies are encouraging,⁵ the Joint Center recommends more time for the Commission to develop a robust record on minority and female broadcast media ownership before it considers relaxing rules intended to promote diversity.

Sincerely,



Ralph B. Everett
President and CEO



John B. Horrigan
Vice President and Director, Media and
Technology Institute

cc: Commissioner Robert McDowell, Commissioner Mignon Clyburn,
Commissioner Jessica Rosenworcel, Commissioner Ajit Pai

³ *In re* Promoting Diversification of Ownership in the Broadcasting Services; 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Commission Seeks Comment on Broadcast Ownership Report MB Docket Nos. 09-182, 07-294 (Dec. 3, 2012) available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1203/DA-12-1946A1.pdf (last visited Dec. 12, 2012).

⁴ See *Prometheus Radio Project v. FCC*, 652 F.3d 431, 470 (2011)(quoting Promoting Diversification of Ownership in the Broadcasting Services, 2006 Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Report and Order and Third Further Notice of Proposed Rulemaking, 24 F.C.C.R. 5896 (May 5, 2009)).

⁵ See Jonathan Make, *FCC, Eying Path to Targeted Diversity Media Rules, Considers Additions to Coming Redraft*, COMMUNICATIONS DAILY, Dec. 12, 2012.